

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
WINSTON-SALEM DIVISION**

FEDERAL TRADE COMMISSION,
STATE OF CALIFORNIA, STATE OF
COLORADO, STATE OF ILLINOIS,
STATE OF INDIANA, STATE OF IOWA,
STATE OF MINNESOTA, STATE OF
NEBRASKA, STATE OF OREGON,
STATE OF TENNESSEE, STATE OF
TEXAS, STATE OF WASHINGTON, and
STATE OF WISCONSIN,

Plaintiffs,

v.

SYNGENTA CROP PROTECTION AG,
SYNGENTA CORPORATION,
SYNGENTA CROP PROTECTION, LLC,
and CORTEVA, INC.,

Defendants.

Case No. 1:22-cv-00828-TDS-JEP

**DECLARATION OF WESLEY G.
CARSON IN SUPPORT OF
PLAINTIFFS' MOTION TO SET
INITIAL PRETRIAL
CONFERENCE**

I, Wesley G. Carson, do hereby declare and state as follows:

1. I am an active member in good standing of the bar of the District of Columbia. I am an attorney in the Anticompetitive Practices Division for the Bureau of Competition of the Federal Trade Commission ("FTC"), an agency of the United States Government, and I am representing the FTC in the above-captioned action. I have personal knowledge of the matters set forth in this declaration.

2. I respectfully submit this Declaration in support of Plaintiffs' Motion to Set Initial Pretrial Conference.

3. Attached as Exhibit A is a true and correct copy of an email chain between counsel for Plaintiffs and counsel for Defendants in this action.

4. Counsel for the parties in this action met and conferred on November 15 and December 21, 2022. On each occasion, Defendants reiterated their position that a Rule 26(f) conference would be premature.

5. On December 21, 2022, Plaintiffs informed Defendants that they intended to file a motion to request that the Court set an initial scheduling conference. Defendants stated their position to be that an initial scheduling conference would be premature at this time.

6. Attached as Exhibit B is a true and correct copy of an excerpt from the transcript of the February 27, 2020, status conference in *FTC v. Surescripts, LLC*, No. 1:19-cv-01080-JDB (D.D.C.).

7. Attached as Exhibit C is a true and correct copy of an April 13, 2017, Order issued in *FTC v. Qualcomm Inc.*, No. 5:17-cv-00220-LHK (N.D. Cal.).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 23, 2022.

/s/ Wesley G. Carson
Wesley G. Carson